IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

WP(C).No. 28778 of 2007(A)

PETITIONER:

M/S RF MOTORS PRIVATE LIMITED,
HAVING ITS REGISTERED OFFICE AT
EP-9/326, CHANDIROOR P.O., ALAPPUZHA DIST.688547,
REP. BY ITS MANAGING DIRECTOR SRI. F.M.FAROOK,AGED
45 YEARS, S/O MOOSA A.M, RESIDING AT AP XI/2253,
MANAR, CHANDIROOR P.O., ALAPPUZHA.

BY ADV. SRI.ANIL S.RAJ
SRI.RADHIKA RAJASEKHARAN P.
SMT.MANJUSHA MOHANDAS
SMT.ANILA PETER

RESPONDENT:

KARUKUTTY GRAMA PANCHAYAT,
KARUKUTTY P.O., PIN-683576,
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.G.SANTHOSH KUMAR (P).

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.28778 OF 2007

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DATED THIS THE 19TH OCTOBER, 2007

J U D G M E N T

The grievance of the petitioner-Company who have constructed a building on the strength of Ext.P3 No Objection Certificate within the area of the Karukutty Grama Panchayat is that the Panchayat is refusing to number the building on the reason that they have sought for clarification from the National Highways Authority of India.

2. Heard both sides.

3. The learned counsel for the petitioner submits that it was absolutely unnecessary on the part of the Panchayat to have sought for clarification from the National Highways Authority of India.

4. The learned counsel for the Panchayat drew my attention to Ext.P7 and submitted that in the wake of Ext.P7, the Panchayt became obliged to seek such a clarification. Ext.P6 letter is the letter by which the Panchayat sought clarification from the Assistant Project Director of the National Highways Authority of India. Ext.P7 will show that the National Highways Authority of India has intention to acquire properties on either side of the existing Highway so that the width will be increased to 60 metres from the present width of 45 metres. Concededly the constructions are far outside the present alignment of

the National Highway. That was why Ext.P3 was issued in favour of the petitioner. It was on the strength of Ext.P3 that the petitioner carried out the constructions. If the National Highways Authority of India wants to widen the National Highway, acquisition proceedings will become necessary and under such an event, the petitioner will be entitled for adequate compensation under the Land Acquisition Act. But a proposal to acquire the property cannot be a reason for denying numbering of the building. Numbering is necessary so that the building in question will get utility connections.

Under these circumstances, I dispose of the Writ Petition itself issuing the following directions:

1) The respondent-Panchayat will immediately number the building constructed by the petitioner as per their application, provisionally and subject to the result of Ext.P5.

2) The Panchayat will take a decision on Ext.P5 in the light of the observations contained hereinabove.

(PIUS C.KURIAKOSE, JUDGE)

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